

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of

HUDSON RIVER SLOOP CLEARWATER, INC., et al.

Petitioners-Plaintiffs,

For a Judgment pursuant to Article 78 of the CPLR,

-against-

NEW YORK STATE PUBLIC SERVICE COMMISSION,
along with KATHLEEN BURGESS in her official capacity as
Secretary, AUDREY ZIBLEMAN in her official capacity as
Chair, PATRICIA L. ACAMPORA, GREGG C. SAYRE, and
DIANE X. BURMAN, in their official capacities as
Commissioners,

Respondents-Defendants,

-and

CONSTELLATION ENERGY NUCLEAR GROUP, LLC,
with Subsidiaries and affiliates EXELON GENERATION
COMPANY, LLC, R.E. GINNA NUCLEAR POWER
PLANT, LLC, NINE MILE POINT NUCLEAR STATION,
LLC, ENTERGY NUCLEAR FITZPATRICK, LLC,
ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
KEVIN KAMPS
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF MARYLAND)
) ss:
COUNTY OF MONTGOMERY)

**AFFIDAVIT OF PETITIONER BEYOND NUCLEAR
BY KEVIN KAMPS, RADIOACTIVE WASTE SPECIALIST**

KEVIN KAMPS, RADIOACTIVE WASTE SPECIALIST, being duly sworn,
hereby deposes and, under penalties of perjury, states as follows:

1. I, Kevin Kamps, am the Radioactive Waste Specialist at Beyond Nuclear, a Maryland-registered corporation (originally chartered in the State of California) doing business at 6930 Carroll Avenue, Suite 400, Takoma Park, Maryland 20912.
2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules to rescind, annul, vacate, and set the Tier 3 orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.
3. I am fully familiar with the facts and issues raised in the underlying Verified Petition. As Radioactive Waste Specialist, I am responsible for joint oversight and guidance regarding all of the programs and operations of Beyond Nuclear, including advancing litigation. We are an organization open to the general public with thousands of members, all of whom share an interest in and are actively engaged in education and activation of the public about the connections between nuclear power and nuclear weapons and the need to abolish both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic, both in New York State, nationally, and internationally.

4. The organization Beyond Nuclear was registered under the laws of the State of Maryland in 2007, doing business in Maryland as a foreign corporation, originally chartered in the State of California. The organization did business under the name of Beyond Nuclear for several years, with the legal name during that time period having been Nuclear Policy Research Institute (NPRI), a 501(c)(3) tax-exempt organization, chartered under the laws of the State of California in 2002. Since then, our organization's legal name has been changed to Beyond Nuclear, still doing business in Maryland (technically, as a foreign corporation, due to our original charter being in California). The stated purpose of our organization is "to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abandon both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic." Our membership and support base includes a diverse cross-section of New York State residents.

5. Most of our organization's members and supporters in New York State are electricity ratepayers directly affected by the proceeding and the Order that are the subject of the Verified Petition.

6. Beyond Nuclear has alerted and encouraged its members and supporters in New York State to submit comments and participate in public hearings, in the proceeding leading to the Public Service Commission August 1, 2016 Order where many expressed concerns regarding Tier 3 of the Order that forces electricity ratepayers, such as Beyond Nuclear's members and supporters, to pay for a nuclear energy power plant subsidy for three nuclear facilities that would otherwise be economically unsustainable without such ratepayer funding.

7. Beyond Nuclear's members' and supporters' economic and environmental interests are

impacted by the August 1, 2016 Order because climate changing emissions released into the atmosphere from the entire nuclear energy production cycle – from mining to processing to electricity generation - for an additional twelve years in New York State nuclear generating facilities will result in cumulative radioactive, greenhouse gas, and thermal emissions contamination that will negatively impact Beyond Nuclear's members and supporters, who are particularly focused on and concerned about such impacts. Beyond Nuclear's members and supporters are uniquely concerned about the environmental and community impacts from nuclear energy generation that are caused by routine radioactivity releases and reactor and waste storage leaks into New York State surface waters and groundwaters, around each of the nuclear generating facilities in the state, and that directly reduce air quality.

8. Beyond Nuclear's members and supporters are impacted by additional electricity costs in New York State that will create deleterious economic impacts and be unduly burdensome to economically challenged and distressed Beyond Nuclear members and supporters due to increased costs in New York State caused by additional nuclear waste being produced and stored indefinitely and possibly permanently in New York State.

9. Beyond Nuclear's members and supporters will be impacted by prolonged nuclear reactor operation and waste management because of the further increased risk due to the Nuclear Regulatory Commission's new waste rule (Continued Storage of Spent Nuclear Fuel Rule, previously called its Nuclear Waste Confidence Rule), requiring nuclear waste to be re-casked every 100 years, but not providing a means of federal funding for this potentially expensive requirement.

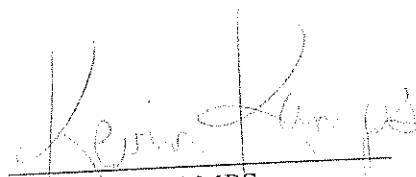
10. Beyond Nuclear and its members and supporters are also concerned with the PSC public record in this case that identifies nuclear energy as being emission-free.

11. The ongoing damage to New York State surface waters and groundwaters from continued emissions created by electricity production from nuclear generating facilities is preventing us from one of the fundamental purposes of our organization, which is to protect people and the environment from hazardous radioactivity and other toxins and harmful pollutants.

12. Beyond Nuclear's members' and supporters' use and enjoyment of clean water and clean air are negatively impacted by increased radioactive emissions into the environment that cause detrimental damage, around each of the nuclear generating facilities in the state.


13. The ongoing degradation of New York State's surface waters and groundwaters, as well as soil and air, caused by increased emissions of an additional 12 years of nuclear energy generation by the four reactors in upstate New York, and possibly by the two reactors at the Indian Point nuclear generating facility, will undermine Beyond Nuclear's organizational mission on behalf of its members and supporters in New York State.

12. The PSC has not taken any action to address the issues and concerns Beyond Nuclear's members and supporters have raised in the proceeding, and therefore, we file this Article 78 to preserve the rights of the Petitioners and to challenge the underlying orders for the reasons set forth in the Verified Petition.



KEVIN KAMPS

Sworn to before me this
10 day of January, 2017


Notary Public

CATHERINE E. PLEVY
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT. 18, 2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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Chair, PATRICIA L. ACAMPORA, GREGG C. SAYRE, and
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ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
TIM JUDSON
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF MARYLAND)
) ss:
COUNTY OF MONTGOMERY)

**AFFIDAVIT OF PETITIONER BEYOND NUCLEAR
BY TIMOTHY JUDSON, EXECUTIVE DIRECTOR**

TIMOTHY JUDSON, EXECUTIVE DIRECTOR, being duly sworn, hereby
deposes and, under penalties of perjury, states as follows:

1. I, Timothy Judson, am the Executive Director of Nuclear Information and Resource Service ("NIRS"), a California-, Maryland-, and New York-registered corporation doing business at 6930 Carroll Avenue, Suite 340, Takoma Park, Maryland 20912.
2. I submit this Affidavit on behalf of NIRS, in further support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules to annul, vacate, and set aside the Tier 3 portion of the Public Service Commission's August, 1 2016, and November 17, 2016 Order, and the December 15, 2016 Rehearing Denial.
3. I am fully familiar with the facts and issues raised in the underlying Verified Petition. As Executive Director, I am responsible for oversight and guidance all of the programs and operations of NIRS, including advancing litigation. We are an organization open to the general public with over thirty-two thousand members, including over 4,000 residents of the State of New York, all of whom support NIRS's mission of advocating for the cessation of nuclear power generation, protection of public health and safety with respect to radioactive materials and the operation of nuclear power reactors, and the adoption of renewable energy sources. NIRS advocates for an energy future that is sustainable, benign and democratic, both in New York State, nationally, and internationally.

4. The organization was incorporated under the laws of the District of Columbia in 1978. The organization does business under the names of Nuclear Information and Resource Service and NIRS, a 501(c)(3) tax-exempt organization. The stated purpose of our organization is “.”
5. Most of our organization’s members and supporters in New York State are electricity ratepayers directly affected by the proceeding and the Order that are the subject of the Verified Petition.
6. NIRS is a party to the regulatory proceeding that is the subject of this litigation, New York Public Service Commission Case 15-E-0302. We participated in and provided comment in the proceeding extensively, including filing a petition for rehearing with the Public Service Commission on August 30, 2016.
7. NIRS has also alerted and encouraged its members and supporters in New York State to submit comments and participate in public hearings in Case 15-E-0302 where many expressed concerns regarding Tier 3 of the Order that forces electricity customers to pay for a nuclear energy power plant subsidy for three nuclear facilities that would otherwise be economically unsustainable without such ratepayer funding.
8. NIRS’s members’ and supporters’ economic and environmental interests are impacted by the August 1, 2016 Order because it unjustifiably imposes large, direct financial costs on them for many years through surcharges on their electric utility bills, and it imposes large, indirect financial costs on them through surcharges on their local governments’ and school districts’ electric utility bills. In addition, the Order by information and belief seeks to prevent the closure of the nuclear facilities to be subsidized by electric utility customers, resulting in environmental

harms and risks to public health and safety for twelve or more years that may otherwise be mitigated by the permanent cessation of operation of those facilities. Those harms and risks include the generation of radioactive waste in the form of irradiated nuclear fuel rods that will be stored in New York State for many years; the release of radioactive materials into the environment through routine and regular discharges and accidental spills, leaks, and discharges; the destruction of aquatic resources and wildlife through withdrawals of hundreds of thousands to millions of gallons of water each day from Lake Ontario and the Hudson River, and the discharge of hundreds of thousands to millions of gallons of superheated water into Lake Ontario and the Hudson River after having passed through reactors' cooling system; and years of additional risk to life and property from possible nuclear safety failures and catastrophic releases of radiological materials into the environment. NIRS's members and supporters are impacted by additional electricity costs in New York State that will create deleterious economic impacts and be unduly burdensome to economically challenged and distressed NIRS members and supporters due to increased costs in New York State caused by additional nuclear waste being produced and stored indefinitely and possibly permanently in New York State. NIRS's members and supporters will be impacted by prolonged nuclear reactor operation and waste management because of the further increased risk due to the Nuclear Regulatory Commission's new Continued Storage regulation authorizing the above-ground storage of nuclear waste for indefinite periods of time, but not providing a means of federal funding for this potentially expensive means of storage.

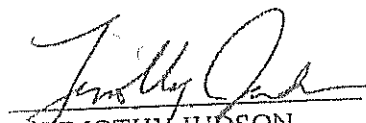
9. NIRS and its members and supporters are also concerned with the PSC public record in this case that inaccurately, misleadingly, and unjustifiably identifies nuclear energy as a clean energy source and as a "zero emissions" energy source.

10. The ongoing damage to New York State surface waters and groundwaters from continued emissions necessary to provide electricity from nuclear generating facilities prevents NIRS from one of the fundamental purposes of our organization, which is to protect people and the environment from hazardous radioactivity and other toxins and harmful pollutants.

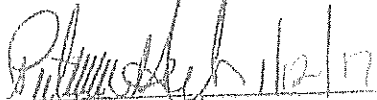
11. NIRS's members' and supporters' use and enjoyment of clean water and clean air are impacted by increased radioactive releases into the environment that cause detrimental damage, around each of the nuclear generating facilities in the state.

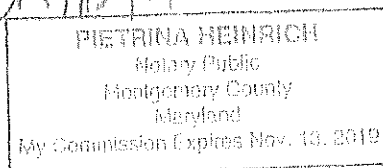
12. The ongoing degradation of New York State's surface waters and groundwaters, as well as soil and air, caused by an additional twelve years of nuclear energy generation by the four reactors in New York, and possibly by the two reactors at the Indian Point nuclear generating facility, will undermine NIRS's organizational mission on behalf of its members and supporters in New York State.

13. The PSC has not taken any action to address the issues and concerns NIRS's members and supporters have raised in the proceeding, and therefore, we file this Article 78 to preserve the rights of the Petitioners and to challenge the underlying orders for the reasons set forth in the Verified Petition.


TIMOTHY JUDSON

Sworn to before me this
12th day of January, 2017


Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of

HUDSON RIVER SLOOP CLEARWATER, INC., et al.

Petitioners-Plaintiffs,

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NEW YORK STATE PUBLIC SERVICE COMMISSION,
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Chair, PATRICIA L. ACAMPORA, GREGG C. SAYRE, and
DIANE X. BURMAN, in their official capacities as
Commissioners,

Respondents-Defendants,

-and

CONSTELLATION ENERGY NUCLEAR GROUP, LLC,
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COMPANY, LLC, R.E. GINNA NUCLEAR POWER
PLANT, LLC, NINE MILE POINT NUCLEAR STATION,
LLC, ENTERGY NUCLEAR FITZPATRICK, LLC,
ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
SCOTT CHASE
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

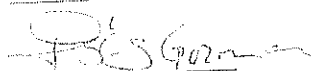
STATE OF NEW YORK)
) ss:
COUNTY OF)

SCOTT CHASE, being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

1. I am Scott Chase. I live at 560 Carpenter Hill Road, Pine Plains, New York, 12487.
2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules to rescind, annul, vacate, and set the Tier 3 orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.
3. For over two years I have purchased 100% renewable energy from Ethical Energy.
4. I oppose the Tier 3 nuclear subsidy because it is a waste of money.
5. The same amount of money invested in efficiency improvements or renewable energy would have more positive impacts on both the economy and the environment.
6. I have already made a personal choice not to purchase nuclear energy. If I am forced to pay the nuclear subsidy my freedom of choice will be taken away.


SCOTT CHASE

Sworn to before me this
24 day of January 2017



Notary Public

IRIS GUZMAN
Notary Public, State of New York
No. 01608168045
Qualified in Dutchess County
Commission Expires December 18, 2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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LLC, ENTERGY NUCLEAR FITZPATRICK, LLC,
ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
RICHARD HAMMER
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF NEW YORK)
) ss:
COUNTY OF *New York*)

RICHARD HAMMER, being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

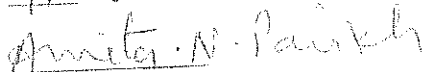
1. I am Richard Hammer. I live at 720 Fort Washington Ave Apt 2S, New York, 10040.
2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules and Declaratory Judgment action to rescind, annul, vacate, and set the Tier 3 orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.
3. For approximately three (3) years I have purchased 100% renewable energy from Green Mountain Energy.
4. I, like many other concerned citizens, chose to pay a higher price for green energy in order the help us transition to renewable power.
5. Although I am not a high income earner, the choice to pay a premium in order to make sure my share of the grid is green is a necessary and effective one.
6. I should not have to additionally pay to subsidize nuclear energy.
7. Subsidizing continued operations of nuclear energy is not the right direction for us to go.

8. In a time when the Environmental Protection Agency is threatened and global warming is a reality, making the choice to purchase renewable energy is one of the most important step individuals can take towards making our planet safer in the future.



RICHARD HAMMER

Sworn to before me this
11th day of January 2017


Notary Public

Amita N. Parikh
State of New York
New York County
PA5081002
Expires June 30 2019

Amita N. Parikh
Notary Public, State of New York
Qualified in New York County
01PA5081002
Commission Expires June 30 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

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**AFFIDAVIT OF
JOYCE HARTSFIELD
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF NEW YORK)
) ss:
COUNTY OF W L S T E R)

JOYCE HARTSFIELD, being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

1. I am Joyce Hartsfield. I live at 517 Tall Oaks Drive, Tillson, New York 12486.
2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules and Declaratory Judgment action to rescind, annul, vacate, and set aside the Tier 3 orders issued by the New York State Public Service Commission ("PSC"), dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.
3. I have contracted to purchase 100% renewable energy for approximately three (3) years; I am currently purchasing such energy from ClearView Electric.
4. I decided to pay a premium to contract for electricity generated with renewable sources, in part, to reduce New York's reliance on nuclear-generated electricity because of the severe harmful impacts of routinely released nuclear radiation as well as the catastrophic impacts of a containment breach.
5. As a result of the PSC action, I will now be required to pay an additional surcharge for the Tier 3 subsidy for nuclear-generated electricity, which I totally oppose.

6. I believe all available money and state efforts should go towards promoting clean and renewable energy.

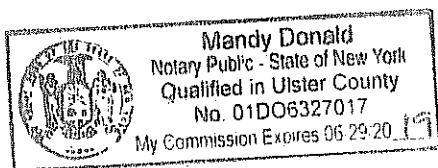
Joyce Hartsfield

JOYCE

HARTSFIELD

Sworn to before me this
10th day of January 2017

Mandy Donald
Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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**AFFIDAVIT OF
BRUCE ROSEN
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF NEW YORK)
) ss:
COUNTY OF *New York*)

BRUCE ROSEN, being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

1. I am Bruce Rosen. I live at 600 West End Avenue, Apt 1A1, New York, New York 10024.

2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules and Declaratory Judgment action to rescind, annul, vacate, and set the Tier 3 orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.

3. For several years I have purchased 100% renewable energy, first from Green Mountain Energy and now from CleanChoice Energy.

4. I am shocked that Governor Andrew Cuomo, who has a long history of seeking the closure of the deteriorating Indian Point Nuclear Power Plant would entrap New Yorkers into subsidizing other aging nuclear reactor on Lake Ontario, including diverting Fitzpatrick from closure planned by its owners

5. New York State, since his father, Mario Cuomo's governorship, has made serious investments to seed new technologies for the betterment of New Yorkers and for the creation of new, quality jobs.

6. Governor Andrew Cuomo has made much of REV4NY, and the emergence of the Capital District, as a global technological hub, as well as the rebirth of Buffalo.

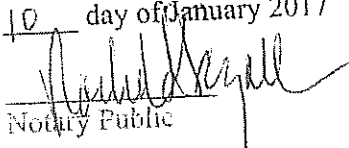
7. Providing subsidies to dangerous nuclear power industries, which has failed across-the-planet to deliver cleaner, safer and non-waste generating energy, does not bespeak of a commitment to the future.

8. The Pier 3 nuclear subsidies invests limited public resources into an industry already subsidized and privileged by the Price Anderson Act, which indemnifies the nuclear industry against an accident, since no insurance actuary has or can project a fiscally prudent, calamity-free future for industry reactors.

9. I do not understand why New Yorkers must be forced to divert resources which could be used to create a cleaner, sustainable environment to subsidize the uneconomic, physically deteriorating and dangerous nuclear reactors. I strongly disagree with diversion of resources.

RACHELL SEGALL
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01SE6254553
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES 01-17-2020

Sworn to before me this
10 day of January 2017


Notary Public


BRUCE ROSEN

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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Nominal Respondents-Defendants

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**AFFIDAVIT OF
GEORGE STADNIK
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF NEW YORK)
) ss:
COUNTY OF QUEENS)

GEORGE STADNIK, being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

1. I am George Stadnik. I live at 2466 44th Street, Astoria, New York, 11103.
2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules to rescind, annul, vacate, and set the Tier 3 orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.
3. For approximately six (6) years I have purchased 100% renewable energy from ConEdison Solutions.
4. I made a commitment to purchase 100% clean, truly emission free renewable energy, therefore I oppose the Tier 3 nuclear subsidy because nuclear energy is neither clean nor emission-free.
5. Nuclear energy production creates emissions throughout its life-cycle of mining, milling, transportation required to create nuclear fuel, the planned and unplanned releases of radioactivity into the air, water and soil.
6. Nuclear energy production is also complicated by the need to store highly radioactive waste on-site, indefinitely.

7. Furthermore, I do not believe that New York ratepayers should be locked into a twelve (12) year \$7.6 to \$10 billion mandatory surcharge to underwrite the state's aging, unprofitable and increasingly dangerous nuclear fleet.

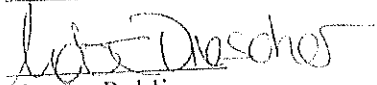
8. State should be a leader in truly clean energy and invest in solar, wind and water energy. I believe New York State should not spend any additional funds supporting dirty nuclear energy.

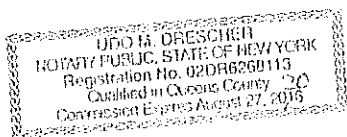
9. New York State should use the funds has allocated to the Tier 3 nuclear subsidy to instead require all new construction to integrate solar design and small scale wind power technology to serve individual neighborhoods.

10. If we can split an atom, we should be able to figure out how to provide clean, safe energy without continuing to use nuclear power, the most dangerous form of energy for which there is no solution to dispose of the high level toxic nuclear waste it produces.


GEORGE STADNIK

Sworn to before me this
10th day of January 2017


Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of

HUDSON RIVER SLOOP CLEARWATER, INC., et al.

Petitioners-Plaintiffs,

For a Judgment pursuant to Article 78 of the CPLR,

-against-

NEW YORK STATE PUBLIC SERVICE COMMISSION,
along with KATHLEEN BURGESS in her official capacity as
Secretary, AUDREY ZIBLEMAN in her official capacity as
Chair, PATRICIA L. ACAMPORA, GREGG C. SAYRE, and
DIANE X. BURMAN, in their official capacities as
Commissioners,

Respondents-Defendants,

-and

CONSTELLATION ENERGY NUCLEAR GROUP, LLC,
with Subsidiaries and affiliates EXELON GENERATION
COMPANY, LLC, R.E. GINNA NUCLEAR POWER
PLANT, LLC, NINE MILE POINT NUCLEAR STATION,
LLC, ENTERGY NUCLEAR FITZPATRICK, LLC,
ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
LYNNE TEPLIN
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

LYNNE TEPLIN, being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

1. I am Lynne Teplin. I live at 846 Palmer Road #1A, Bronxville, New York, 10708.

2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules and Declaratory Judgment action to rescind, annul, vacate, and set aside the Tier 3 Orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 Rehearing Denial.

3. I am a member of Hudson River Sloop Clearwater, Inc. ("Clearwater") and the Walkabout Clearwater Chorus, one of Clearwater's Sloop Clubs, which performs environmental songs throughout the Hudson Valley in an effort to spread Clearwater's message.

4. At home, for approximately two and a half years, I have contracted to purchase 100% renewable energy from Ethical Electric, now known as Clean Choice Energy.

5. I do not consider nuclear energy to be clean or an environmentally safe form of energy, so I oppose the Tier 3 Nuclear Subsidy being included in the Clean Energy Standard. In addition to contamination of the environment and the possibility of

a catastrophic nuclear accident, I am concerned about our inability to safely dispose of nuclear energy's dangerous waste products.

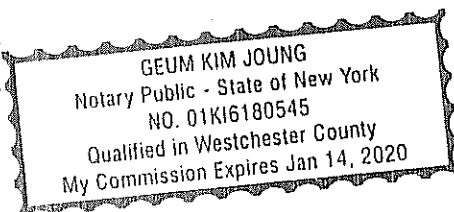
6. I made a decision to pay more for my energy so I would be using 100% clean renewable energy to protect the environment and our future.

7. I am not willing to pay more to subsidize nuclear energy, and I should not be forced to do so!


LYNNE TEPLIN

Sworn to before me this
10th day of January 2017


Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of

HUDSON RIVER SLOOP CLEARWATER, INC., et al.

Petitioners-Plaintiffs,

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DIANE X. BURMAN, in their official capacities as
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-and

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with Subsidiaries and affiliates EXELON GENERATION
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PLANT, LLC, NINE MILE POINT NUCLEAR STATION,
LLC, ENTERGY NUCLEAR FITZPATRICK, LLC,
ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
WILLIAM MCKNIGHT
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

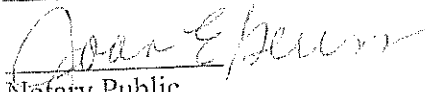
STATE OF NEW YORK)
) ss:
COUNTY OF)

WILLIAM MCKNIGHT, SR., being duly sworn, hereby deposes and, under penalties of perjury, states as follows:

1. I am William McKnight, Sr.. I live at 60 Holland Drive, West Hurley, New York 12491.
2. I submit this Affidavit in support of Petitioners' effort, pursuant to Article 78 of the New York State Civil Practice Law and Rules and Declaratory Judgment action to rescind, annul, vacate, and set the Tier 3 orders issued by the New York State Public Service Commission dated August 1, 2016 and September 17, 2016 and the December 15, 2016 rehearing denial.
3. For approximately five (5) years I have purchased 100% renewable energy from American Power & Gas.
4. Not only do I purchase renewable energy from American Power & Gas, I also installed twenty-seven (27) solar panels on my roof.
5. As a scientist and a the President & CEO at Energy Conservation Specialists, LLC, I find it deplorable that Governor Andrew Cuomo would even consider bailing out the nuclear industry, as it is too dangerous for our environment.


WILLIAM MCKNIGHT, Sr.

Sworn to before me this
9 day of January 2017


Notary Public

JOAN E. GEUSS
Notary Public, State of New York
Reg. #01GE6184029
Qualified in Ulster County
Commission Expires 3-24-20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of

HUDSON RIVER SLOOP CLEARWATER, INC., et al.

Petitioners-Plaintiffs,

For a Judgment pursuant to Article 78 of the CPLR,

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NEW YORK STATE PUBLIC SERVICE COMMISSION,
along with KATHLEEN BURGESS in her official capacity as
Secretary, AUDREY ZIBLEMAN in her official capacity as
Chair, PATRICIA L. ACAMPORA, GREGG C. SAYRE, and
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-and

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LLC, ENTERGY NUCLEAR FITZPATRICK, LLC,
ENTERGY NUCLEAR INDIAN POINT 2, LLC, and
ENTERGY NUCLEAR INDIAN POINT 3, LLC,

Nominal Respondents-Defendants

Index No. 07242-16

**AFFIDAVIT OF
JOSEPH J. HEATH
IN SUPPORT OF
AMENDED VERIFIED
ARTICLE 78 PETITION
AND COMPLAINT**

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss:

JOSEPH J. HEATH, ESQ., being duly sworn, hereby deposes and, under the penalty of perjury, states that:

1. I, Joseph J. Heath, Esq., am the General Counsel for the Onondaga Nation; and I submit this Affidavit in support of this Article 78 Petition, for two purposes:

- a. At my home: 1900 Rittenhouse Square, Tully, New York, 13159, we purchase 100 % of the electricity we use from Ethical Electric, because their electricity is 100 % renewably generated; and
- b. As General Counsel for the Onondaga Nation, I have developed an expertise on the extremely negative impacts of all aspects of the nuclear power industry, from cradle to grave, on Indigenous peoples, also known as Native Americans.

2. I am familiar with the facts and issues raised in the underlying Verified Petition; and I support Petitioners' effort to annul, vacate and set aside the Tier 3 portion of the Public Service Commission's August 1, 2016 and November 17, 2016 Orders.

3. My home is located in northern Cortland County, in the town of Preble, even though our mailing address is in Tully. We do not use fossil fuels to heat our home, as we have been working over the past decade to end that usage. Our home started as a "camp" on Song Lake and over the past 20 years, we have converted it to a year round home in three, separate stages of construction. Our home is heated with a combination of geothermal heat and passive solar. The oldest one-third of our home is heated with a heat pump, also known as an air-to-air handler. We

do not use propane, methane gas or heating oil to heat our home.

4. Because the geothermal system and the heat pump use electricity to pump and circulate, our electrical usage increased. To offset this increase, we have installed ten solar panels, which produce about 40 % of the electricity we use. We can not install more solar panels because of space limitations, complicated by large oaks that shade most of our property. We are also working to install a small, vertical axis wind turbine, to generate more electricity.

5. As noted above, we purchase all of the electricity which we do not generate on site, from Ethical Electric, which is all renewably generated also. This choice of providers is more expensive than simply getting our electricity from National Grid, but we feel this is a small price to pay to ensure that we are not contributing to climate change.

6. While I support most of the objective of the state's clean power plan, I object vigorously to the Tier 3 bail out of the nuclear industry; as it will add \$7.6 billion dollars to rate payers' bills over the next 12 years. There are several problems with this massive subsidy, which include the fact that the State has made this decision without approval of the voters and rate payers and yet it has passed this unfunded mandate down to individual households, many of whom simply cannot afford any increase in their utility bills.

7. Further, it is ill advised to waste all this capital on a dying and dangerous industry that creates massive environmental problems for generations yet to come. Instead, this money should be devoted to renewable energy production, because if it were New York would be the nation's leader in truly green, renewable energy production. As illustrated by the choice we have made in our home energy use, I am convinced that individually and collectively, we all have a responsibility to limit the most harmful impacts of climate change. This is an obligation which

we all owe to future generations.

8. Because we have expended considerable time and resources to stop using fossil fuels in our home and because we pay more for renewably generated electricity, I do not find it fair that the state is now mandating that we must pay to subsidize the nuclear power industry. I am also deeply concerned about the safety of the three aging nuclear power plants in Oswego, which are about 30 miles from my office and 40 miles from our home.

ELECTRICITY PRODUCED WITH NUCLEAR ENERGY IS NOT GREEN:

9. While it is true that the actual operation of a nuclear power electrical production facility does not produce carbon dioxide, this is a very narrow view of the industry. It fails to account for the actual climate change impact of the entire nuclear power industry, from cradle to grave—uranium must be mined, processed, transported and stored.

10. Significant amounts of fossil fuels are necessary at every step of this process, and considerable energy is necessary for mining, milling, and transporting the uranium. Additionally, considerable energy is consumed to transport the workers, equipment, chemicals, etc. to remote mining sites. Further, considerable energy is needed to produce and transport the chemicals used in the mining and milling.

11. Additionally, the highly radioactive spent fuel rods, which continue to accumulate at all nuclear power plants, must be stored and some of their radio active elements have half lives of more than one million years. There is currently no viable plan for the proper disposal of all this nuclear waste. Thousands of these highly radioactive spent fuel rods sit in 50 + year old concrete holding tanks on the shore of Lake Ontario in Oswego.

12. Finally, the Onondaga Nation is deeply concerned with the thermal pollution that

results from nuclear power generation in general, but particularly concerned with the combined thermal pollution caused by the three nuclear plants in Oswego, on the fish and marine wildlife of Lake Ontario.

13. The Nation is also opposed to this subsidy which would continued the operation of nuclear power plants, because they will continue to contribute to the physical and cultural harms to Indigenous peoples, wherever uranium is mined, processed, transported, used and stored.

THE EXTREMELY HARMFUL IMPACTS OF THE NUCLEAR INDUSTRY ON INDIGENOUS PEOPLES:

14. I have been General Counsel for the Onondaga Nation, in upstate New York, since 1982; and my work for them is primarily on environmental matters, in support of their cultural obligations to be stewards of the natural world and the water, land and air.

15. Over those decades, the Onondaga Nation Council of Chiefs and their Clan Mothers have asked me to study the impacts of the nuclear industry on Indigenous peoples, and to study the risks inherent in the continued operations of the three aging nuclear power plants in Oswego, New York. Oswego is located within the original territory of the Onondaga Nation, and is about 30 miles from their currently recognized territory.

16. Additionally, because of my personal background, the nuclear industry has been of special interest to me. I grew up in northern Oswego County, about 20 miles from Oswego and Nine Mile 1 was being constructed when I was in high school in the early 1960s. Further, when I was in the United States Navy, from 1968 to 1970, I attended and graduated from the Submarine Officers' School in New London, Connecticut, where a significant portion of the curriculum was devoted to nuclear physics and nuclear reactor operation and safety.

THE MINING OF URANIUM HAS HAD DEVASTATINGLY NEGATIVE HEALTH IMPACTS ON THE NAVAJO AND OTHER INDIGENOUS NATIONS' CITIZENS:

17. The Navajo Nation and its citizens have been the most negatively impacted by uranium mining, but other Indigenous nations, such as the Oglala Sioux, have also been threatened.

18. Uranium mining in the United States began after World War II; and the Four Corners area of the southwestern United States was determined to have accessible uranium deposits. Uranium mining quickly spread throughout the region to include hundreds of locations on Navajo and Laguna Indigenous lands.

19. Many Navajo citizens worked in the uranium mines, but they were not informed of the severe health risks. The dangers of uranium mining and its produced radon were known, but were hidden from the miners and their families; and the mines were not sufficiently ventilated, which would have significantly reduced the risks.

20. As a result many Navajo miners began to fall ill in the 1960s, from lung cancer and other serious diseases. Studies documented that the Navaho mine workers and numerous families on the reservation have suffered high rates of lung and other diseases, including cancers, from environmental contamination from the uranium mining and processing.

21. Because the miners were not informed of the health risks, and because the mining companies failed to use proper health and safety precautions, the miners unknowingly brought much of the danger back to their homes, in their clothing.

22. Many building materials were contaminated due to their source from abandoned mines, and so, homes were made with radioactively contaminated materials, including recycled

uranium ore and waste rock.

23. Additionally, the health risks were compounded by the unsafe, open storage of the tailings from the uranium mines. For instance, on July 16, 1979, the tailing pond at United Nuclear Corporation's uranium mill in Church Rock, New Mexico, breached its dam. More than 1,000 tons of radioactive mill waste and 93 million gallons of acidic, radioactive tailings solution and mine effluent flowed into the Puerco River. This contamination flowed 80 miles downstream to Navajo County Arizona. More radioactivity was released in this spill than in the Three Mile Island accident a few months later.

24. The long term, negative health and safety impacts of the uranium mining industry are still being inflicted on the Navajo people. For instance, in Sanders, Arizona, water wells for ranches, homes, schools and more have been contaminated and contain dangerously high amounts of uranium. The Arizona Department of Health Services has advised that young children should not drink the water or mix it with formula.

25. The Navajo Nation has established the Navajo Birth Cohort Study, to look at the effects of chronic, long-term exposure from all possible sources of uranium contamination—air, water, plants, wildlife, livestock and land—have been down through generations in their community. The Study has documented that the level of uranium in the urine of the Navajo people is higher than the United States population as a whole; and that levels of iodine and zinc are lower than they should be.

LONG TERM STORAGE OF HIGHLY RADIOACTIVE WASTES PROPOSED FOR YUCCA MOUNTAIN, NEVADA:

26. The plans for the Yucca Mountain nuclear waste repository were shelved by the

Obama administration. However, recent press reports document that the Trump transition team advisors have proposed that this position should be reversed and are advocating that Yucca Mountain should be used for long term storage of high-level nuclear waste.

27. Yucca Mountain is in Indian Country. Indigenous people used Yucca Mountain for centuries, leaving numerous culturally sensitive artifacts in the area. The region remains central to Southern Paiute, Western Shoshone, and Owens Valley Paiute/Shoshone religious ceremonies. These Nations continue to work with their non-Native neighbors to resist these storage plans.

**THE CURRENT PLANS FOR THE TRANSPORTATION OF NUCLEAR WASTES
DIRECTLY THREATEN THE ONONDAGA AND SENECA NATIONS IN NEW YORK:**

28. The continued operation of nuclear power plants in New York will inevitably result in the continued generation and accumulation of highly radioactive spent fuel rods and other, lower level radioactive wastes.

29. A few years ago, representatives from the Nuclear Regulatory Agency met with the leaders of the Onondaga Nation to inform them that radioactive wastes were to be transported down Route 81 to South Carolina for storage. Route 81 runs direct through the Onondaga's currently recognized territory or reservation. The Nation leaders vigorously opposed this plan, only to be told that their concerns did not matter. The shipments have commenced, to the best of our knowledge.

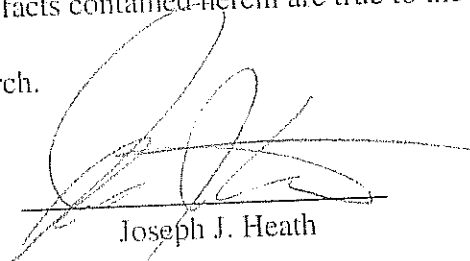
30. During this same meeting the federal representatives revealed that other shipments would go through Western New York and through the Seneca Nation reservation.

31. The Onondaga Nation is extremely concerned with these shipments as the winter driving conditions in Central New York are notoriously dangerous and Route 81 is routinely

closed due to unsafe road conditions. If one of these trucks goes off the road, the risks to the water, air and people are not acceptable.

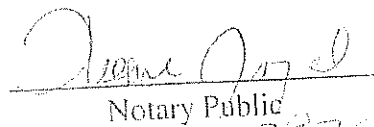
32. Additionally, the Nation maintains its own fire and rescue department, which cooperates with neighboring volunteer and municipal fire departments. Over 60 % of the calls responded to by the Nation fire department are off their currently recognized territory and most of these outside calls are from accidents on Route 81. Several times in the last few years the Nation has responded to trucks that have gone off the road and spilled their contents. The Nation has worked with the state Department of Environmental Conservation and other outside agencies to contain and minimize these spills. However, any accident involving a nuclear waste transport would present potential horrendous results and contamination.

I have read the foregoing and hereby swear that the facts contained herein are true to the best of my knowledge and based upon by decades of research.



Joseph J. Heath

Sworn to before me this
11 day of January, 2017



Notary Public

02506239793

Orangetown County, NY

My Commission expires 4/25/19